

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARK BLYTHE, on behalf of himself and all others
similarly situated,

Plaintiff,

-against-

Morgan Stanley Smith Barney, LLC,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY
DOCUMENT
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DATE FILED: 8/25/2020

20 Civ. 6610 (AT)

ORDER

Plaintiff brings this action against Morgan Stanley Smith Barney, LLC, invoking subject matter jurisdiction by reason of diversity of citizenship, 28 U.S.C. § 1332. If Morgan Stanley Smith Barney, LLC is, indeed, a limited liability company, as its name would imply, then the complaint must allege the citizenship of natural persons who are members of the limited liability company and the place of incorporation and principal place of business of any corporate entities who are members of the limited liability company.

It is ORDERED that by **September 1, 2020**, Plaintiff shall amend his pleading to allege the citizenship of each constituent person or entity. *See Handelsman v. Bedford Vill. Assocs. Ltd. P'ship*, 213 F.3d 48, 51–52 (2d Cir. 2000) (citing *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998)); *Strother v. Harte*, 171 F. Supp. 2d 203, 205 (S.D.N.Y. 2001) (“For purposes of diversity jurisdiction, a limited liability company has the citizenship of each of its members.”). If Plaintiff fails to amend by the foregoing date to truthfully allege complete diversity based upon the citizenship of each constituent person or entity of the LLC, then the complaint will be dismissed for lack of subject matter jurisdiction.

SO ORDERED.

Dated: August 25, 2020
New York, New York



ANALISA TORRES
United States District Judge